

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JAMES E. DICKERSON,  
Plaintiff

V.

DAVID H. BRUNEAU,  
Defendant.

Case No. C06-5418RBL

**ORDER DISMISSING  
COMPLAINT PURSUANT TO  
28 U.S.C. § 1915**

The Court, having reviewed plaintiff's complaint, the Report and Recommendation of Magistrate Judge J. Kelley Arnold, objections to the report and recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) Plaintiff's Motion to Dismiss pursuant to Fed. R. Civ. P. 41(a)(1) [Dkt. #11] is **DENIED**.
  - (2) The Court adopts the Report and Recommendation;
  - (3) Plaintiff's complaint and causes of action are **DISMISSED**;
  - (4) The Clerk is directed to count this as a dismissal under **28 U.S.C. § 1915(g)**;  
and
  - (5) The Clerk is directed to send copies of this Order to plaintiff, to counsel of record, and to the Hon. J. Kelley Arnold.

DATED this 6<sup>th</sup> day of November, 2006.

Ronald B. Leighton  
RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE